

Calendar No. 14

108TH CONGRESS
1ST SESSION

S. 144

[Report No. 108-6]

To require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land.

IN THE SENATE OF THE UNITED STATES

JANUARY 13, 2003

Mr. CRAIG (for himself, Mr. HAGEL, Mr. DASCHLE, Mr. CRAPO, Mr. BAUCUS, Mr. BURNS, Mr. DORGAN, Mr. SMITH, Mr. JOHNSON, Mr. ENSIGN, Mr. WYDEN, Ms. CANTWELL, and Mr. AKAKA) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

FEBRUARY 11, 2003

Reported by Mr. DOMENICI, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

A BILL

To require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Noxious Weed Control
3 Act of 2003”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) **NOXIOUS WEED.**—The term “noxious weed”
7 has the meaning given the term in section 403 of the
8 Plant Protection Act (7 U.S.C. 7702).

9 (2) **SECRETARY.**—The term “Secretary” means
10 the Secretary of the Interior.

11 (3) **STATE.**—The term “State” means—

12 (A) each of the several States of the
13 United States;

14 (B) the District of Columbia;

15 (C) the Commonwealth of Puerto Rico;

16 (D) Guam;

17 (E) American Samoa;

18 (F) the Commonwealth of the Northern
19 Mariana Islands;

20 (G) the Federated States of Micronesia;

21 (H) the Republic of the Marshall Islands;

22 (I) the Republic of Palau; and

23 (J) the United States Virgin Islands.

24 (4) **INDIAN TRIBE.**—The term “Indian tribe”
25 has the meaning given the term in section 4 of the

1 Indian Self-Determination and Education Assistance
2 Act (25 U.S.C. 450b).

3 ~~(5) WEED MANAGEMENT ENTITY.~~—The term
4 “weed management entity” means an entity that—

5 (A) is recognized by the State in which it
6 is established;

7 (B) is established for the purpose of con-
8 trolling or eradicating harmful, invasive weeds
9 and increasing public knowledge and education
10 concerning the need to control or eradicate
11 harmful, invasive weeds; and

12 (C) is multijurisdictional and multidisci-
13 plinary in nature.

14 **SEC. 3. ESTABLISHMENT OF PROGRAM.**

15 (a) IN GENERAL.—As soon as practicable after the
16 date of enactment of this Act, the Secretary shall establish
17 a program to provide to eligible weed management enti-
18 ties, through States, financial assistance for use in con-
19 trolling or eradicating noxious weeds.

20 (b) CONSULTATION.—In carrying out subsection (a),
21 the Secretary shall consult with—

22 (1) the National Invasive Species Council;

23 (2) the Invasive Species Advisory Committee;

1 ~~(3)~~ representatives of States and Indian tribes
 2 with weed management entities or that have par-
 3 ticular problems with noxious weeds; and

4 ~~(4)~~ public and private entities with experience
 5 in noxious weed management.

6 **SEC. 4. ALLOCATION OF FUNDS TO STATES AND INDIAN**
 7 **TRIBES.**

8 ~~(a)~~ IN GENERAL.—Funds made available to carry out
 9 this Act shall be allocated by Secretary to each State, for
 10 further allocation by the State to eligible weed manage-
 11 ment entities in the State for use in carrying out projects
 12 approved by the State to control or eradicate weeds.

13 ~~(b)~~ BASIS FOR ALLOCATION.—The Secretary shall al-
 14 locate funding among States under subsection ~~(a)~~ based
 15 on—

16 ~~(1)~~ the severity or potential severity of the nox-
 17 ious weed problem to be addressed by the State;

18 ~~(2)~~ the extent to which the funds will be used
 19 to leverage non-Federal funds;

20 ~~(3)~~ the extent to which the State has made
 21 progress in addressing noxious weed problems; and

22 ~~(4)~~ such other factors as the Secretary deter-
 23 mines to be appropriate.

24 ~~(c)~~ SPECIAL CONSIDERATION.—In allocating funds
 25 to States under subsection ~~(a)~~, the Secretary—

1 (1) shall provide special consideration for States
2 that have approved weed management entities estab-
3 lished by Indian tribes; and

4 (2) may provide an additional allocation to a
5 State to meet the particular needs and projects that
6 such a weed management entity will address.

7 **SEC. 5. ELIGIBILITY AND USE OF FUNDS.**

8 (a) REQUIREMENTS.—

9 (1) IN GENERAL.—The Secretary shall pre-
10 scribe requirements for applications to be submitted
11 by States seeking allocations under this Act, includ-
12 ing—

13 (A) provisions for auditing of and report-
14 ing on the use of funds allocated; and

15 (B) criteria to ensure that any weed man-
16 agement entity recognized by a State is—

17 (i) capable of carrying out a project
18 (including conducting monitoring and re-
19 porting on the use of funds);

20 (ii) knowledgeable about and experi-
21 enced in noxious weed management; and

22 (iii) represents private and public in-
23 terests adversely affected by noxious
24 weeds.

(2) ELIGIBLE ACTIVITIES.—Funds allocated by a State to an eligible weed management agency under this Act may be used—

(A) in an amount not to exceed 8 percent of funds made available by the State for any fiscal year, for applied research to solve locally significant weed management problems and solutions;

(B) in an amount not to exceed 25 percent of funds made available by the State for any fiscal year, to make incentive payments to encourage the formation of new weed management entities; and

(C) to carry out projects and activities relating to the control or eradication of noxious weeds, including—

(i) education;

(ii) inventorying and mapping;

(iii) management;

(iv) monitoring; and

(v) any similar activity (including the payment of the cost of personnel and equipment that promote the control or eradication of noxious weeds, and other activities to promote such control or eradi-

1 cation) on the condition that the results of
2 the activity be disseminated to the public.

3 (b) PROJECT SELECTION.—A State shall select a
4 project proposed to be carried out by a weed management
5 entity using funds made available under this Act—

6 (1) on a competitive basis; and

7 (2) after taking into consideration—

8 (A) the seriousness of the noxious weed
9 problem or potential problem to be addressed by
10 the project;

11 (B) the likelihood that the project would
12 prevent or resolve the problem; or increase
13 knowledge about resolving similar problems in
14 the future;

15 (C) the extent to which funds made avail-
16 able under this Act would leverage non-Federal
17 funds with respect to the project;

18 (D) the extent to which the weed manage-
19 ment entity has made progress in addressing
20 noxious weed problems;

21 (E) the extent to which the project would
22 provide a comprehensive approach to the con-
23 trol or eradication of noxious weeds;

24 (F) the extent to which the project would
25 reduce the total population of a noxious weed;

1 (G) the extent to which the project would
 2 use the principles of integrated vegetation man-
 3 agement and sound science; and

4 (H) such other factors as the State deter-
 5 mines to be appropriate.

6 (c) INFORMATION AND REPORT.—As a condition of
 7 the receipt of funds under this Act—

8 (1) each weed management entity that receives
 9 funds shall submit to the State in which the weed
 10 management entity is located such information as
 11 may be requested by the State; and

12 (2) not later than 180 days after the date of
 13 completion by a weed management entity of a
 14 project for which funds made available under this
 15 Act were used; the State in which the weed manage-
 16 ment entity is located shall submit to the Secretary
 17 a report that describes the purposes and results of
 18 the project.

19 (d) FEDERAL SHARE.—

20 (1) IN GENERAL.—Except as provided in para-
 21 graph (2), the Federal share of the cost of any
 22 project or activity approved by a State or Indian
 23 tribe under this Act may not exceed 50 percent.

1 ~~(2) EXCEPTION.—~~Paragraph ~~(1)~~ shall not
 2 apply to a noxious weed control or eradication
 3 project in any case in which—

4 ~~(A)~~ the Secretary establishes criteria that
 5 would apply in any situation in which, with re-
 6 spect to the noxious weed control or eradication
 7 project, a Federal share greater than 50 per-
 8 cent is necessary—

9 ~~(i)~~ to meet the needs of an under-
 10 served area; or

11 ~~(ii)~~ to address a critical need that
 12 cannot be addressed by other means; and

13 ~~(B)~~ the project meets those criteria, as
 14 demonstrated by the State.

15 **SEC. 6. LIMITATIONS.**

16 ~~(a) LANDOWNER CONSENT; LAND UNDER CULTIVA-~~
 17 ~~TION.—~~

18 ~~(1) IN GENERAL.—~~Except as provided in para-
 19 graph ~~(2)~~, any activity involving public or private
 20 real property may be carried out under this Act only
 21 with the consent of the landowner.

22 ~~(2) LAND UNDER CULTIVATION.—~~No project
 23 may be carried out under this Act on real property
 24 that is devoted to the cultivation of row crops, fruits,
 25 or vegetables.

1 (b) COMPLIANCE WITH STATE LAW.—A weed man-
 2 agement entity may carry out a project under this Act
 3 to address a noxious weed problem in more than 1 State
 4 only if the weed management entity meets the require-
 5 ments of the laws of each State in which the project is
 6 to be carried out.

7 (c) USE OF FUNDS.—Funds allocated under this Act
 8 shall not be used to carry out any project—

9 (1) to control or eradicate animals, pests, or
 10 submerged or floating noxious aquatic weeds; or

11 (2) to protect an agricultural commodity (as de-
 12 fined in section 102 of the Agricultural Trade Act
 13 of 1978 (7 U.S.C. 5602)) other than—

14 (A) livestock (as defined in section 602 of
 15 the Agricultural Trade Act of 1949 (7 U.S.C.
 16 1471)); or

17 (B) an animal- or insect-based product.

18 **SEC. 7. RELATIONSHIP TO OTHER PROGRAMS.**

19 (a) DECLARATION OF POLICY.—Congress declares
 20 that funds allocated under this Act are intended to supple-
 21 ment, and not replace, assistance made available to weed
 22 management entities, areas, and districts for control or
 23 eradication of harmful, invasive weeds on public and pri-
 24 vate land (including funds available under the Pulling To-

1 gether Initiative of the National Fish and Wildlife Foun-
 2 dation).

3 (b) ~~NO EFFECT ON PILT PAYMENTS.~~—The alloca-
 4 tion of funds to any entity under this Act shall have no
 5 effect on the amount of any payment received by a county
 6 from the Federal Government under chapter 69 of title
 7 31, United States Code.

8 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

9 There is authorized to be appropriated to carry out
 10 this Act \$100,000,000 for each of fiscal years 2002
 11 through 2006, of which not more than 5 percent may be
 12 used by the Secretary to pay administrative expenses in-
 13 curred by the Department of the Interior and other Fed-
 14 eral agencies in carrying out this Act.

15 **SECTION 1. SHORT TITLE.**

16 *This Act may be cited as the “Noxious Weed Control*
 17 *Act of 2003”.*

18 **SEC. 2. DEFINITIONS.**

19 *In this Act:*

20 (1) *NOXIOUS WEED.*—*The term “noxious weed”*
 21 *has the same meaning as in the Plant Protection Act*
 22 *(7 U.S.C. 7702(10)).*

23 (2) *SECRETARY.*—*The term “Secretary” means*
 24 *the Secretary of the Interior.*

1 (3) *STATE*.—The term “State” means each of the
 2 several States of the United States, the District of Co-
 3 lumbia, the Commonwealth of Puerto Rico, the Virgin
 4 Islands, Guam, the Commonwealth of the Northern
 5 Mariana Island, and any other possession of the
 6 United States.

7 (4) *INDIAN TRIBE*.—The term “Indian tribe” has
 8 the meaning given the term in section 4 of the Indian
 9 Self-Determination and Education Assistance Act (25
 10 U.S.C. 450b).

11 (5) *WEED MANAGEMENT ENTITY*.—The term
 12 “weed management entity” means an entity that—

13 (A) is recognized by the State in which it
 14 is established;

15 (B) is established by and includes local
 16 stakeholders, including Indian tribes;

17 (C) is established for the purpose of control-
 18 ling or eradicating harmful, invasive weeds and
 19 increasing public knowledge and education con-
 20 cerning the need to control or eradicate harmful,
 21 invasive weeds; and

22 (D) is multijurisdictional and multidisci-
 23 plinary in nature.

1 **SEC. 3. ESTABLISHMENT OF PROGRAM.**

2 *The Secretary shall establish a program to provide fi-*
3 *nancial assistance through States to eligible weed manage-*
4 *ment entities to control or eradicate weeds. In developing*
5 *the program, the Secretary shall consult with the National*
6 *Invasive Species Council, the Invasive Species Advisory*
7 *Committee, representatives from States and Indian tribes*
8 *with weed management entities or that have particular*
9 *problems with noxious weeds, and public and private enti-*
10 *ties with experience in noxious weed management.*

11 **SEC. 4. ALLOCATION OF FUNDS TO STATES AND INDIAN**
12 **TRIBES.**

13 *The Secretary shall allocate funds to States to provide*
14 *funding to weed management entities to carry out projects*
15 *approved by States to control or eradicate noxious weeds*
16 *on the basis of the severity or potential severity of the nox-*
17 *ious weed problem, the extent to which the Federal funds*
18 *will be used to leverage non-Federal funds, the extent to*
19 *which the State has made progress in addressing noxious*
20 *weed problems, and such other factors as the Secretary*
21 *deems relevant. The Secretary shall provide special consid-*
22 *eration for States with approved weed management entities*
23 *established by Indian Tribes, and may provide an addi-*
24 *tional allocation to a State to meet the particular needs*
25 *and projects that such a weed management entity will ad-*
26 *dress.*

1 **SEC. 5. ELIGIBILITY AND USE OF FUNDS.**

2 (a) *REQUIREMENTS.*—*The Secretary shall prescribe re-*
3 *quirements for applications by States for funding, includ-*
4 *ing provisions for auditing of and reporting on the use of*
5 *the funds and criteria to ensure that weed management en-*
6 *tities recognized by States are capable of carrying out*
7 *projects, monitoring and reporting on the use of funds, and*
8 *are knowledgeable about and experienced in noxious weed*
9 *management and represent private and public interests ad-*
10 *versely affected by noxious weeds. Eligible activities for*
11 *funding shall include—*

12 (1) *applied research to solve locally significant*
13 *weed management problems and solutions, except that*
14 *such research may not exceed 8 percent of the avail-*
15 *able funds in any year;*

16 (2) *incentive payments to encourage the forma-*
17 *tion of new weed management entities, except that*
18 *such payments may not exceed 25 percent of the*
19 *available funds in any year; and*

20 (3) *projects relating to the control or eradication*
21 *or noxious weeds, including education, inventories*
22 *and mapping, management, monitoring, and similar*
23 *activities, including the payment of the cost of per-*
24 *sonnel and equipment that promote such control or*
25 *eradication, and other activities to promote such con-*

1 *trol or eradication, if the results of the activities are*
2 *disseminated to the public.*

3 *(b) PROJECT SELECTION.—A State shall select projects*
4 *for funding to a weed management entity on a competitive*
5 *basis considering—*

6 *(1) the seriousness of the noxious weed problem*
7 *or potential problem addressed by the project;*

8 *(2) the likelihood that the project will prevent or*
9 *resolve the problem, or increase knowledge about re-*
10 *solving similar problems in the future;*

11 *(3) the extent to which the payment will leverage*
12 *non-Federal funds to address the noxious weed prob-*
13 *lem addressed by the project;*

14 *(4) the extent to which the weed management en-*
15 *tity has made progress in addressing noxious weed*
16 *problems;*

17 *(5) the extent to which the project will provide*
18 *a comprehensive approach to the control or eradi-*
19 *cation of noxious weeds;*

20 *(6) the extent to which the project will reduce the*
21 *total population of a noxious weed;*

22 *(7) the extent to which the project uses the prin-*
23 *ciples of integrated vegetation management and sound*
24 *science; and*

1 (8) *such other factors that the State determines*
 2 *to be relevant.*

3 (c) *INFORMATION AND REPORT.*—*As a condition of the*
 4 *receipt of funding, States shall require such information*
 5 *from grant recipients as necessary and shall submit to the*
 6 *Secretary a report that describes the purposes and results*
 7 *of each project for which the payment or award was used,*
 8 *by not later than 6 months after completion of the projects.*

9 (d) *FEDERAL SHARE.*—*The Federal share of any*
 10 *project or activity approved by a State or Indian tribe*
 11 *under this Act may not exceed 50 percent unless the State*
 12 *meets criteria established by the Secretary that accommo-*
 13 *dates situations where a higher percentage is necessary to*
 14 *meet the needs of an underserved area or addresses a critical*
 15 *need that can not be met otherwise.*

16 **SEC. 6. LIMITATIONS.**

17 (A) *LANDOWNER CONSENT; LAND UNDER CULTIVA-*
 18 *TION.*—*Any activity involving real property, either private*
 19 *or public, may be carried out under this Act only with the*
 20 *consent of the landowner and no project may be undertaken*
 21 *on property that is devoted to the cultivation of row crops,*
 22 *fruits, or vegetables.*

23 (b) *COMPLIANCE WITH STATE LAW.*—*A weed manage-*
 24 *ment entity may carry out a project to address the noxious*
 25 *weed problem in more than one State only if the entity*

1 *meets the requirements of the State laws in all States in*
 2 *which the entity will undertake the project.*

3 (c) *USE OF FUNDS.—Funding under this Act may not*
 4 *be used to carry out a project—*

5 (1) *to control or eradicate animals, pests, or sub-*
 6 *merged or floating noxious aquatic weeds; or*

7 (2) *to protect an agricultural commodity (as de-*
 8 *fined in section 102 of the Agricultural Trade Act of*
 9 *1978 (7 U.S.C. 5602)) other than—*

10 (A) *livestock (as defined in section 602 of*
 11 *the Agricultural Trade Act of 1949 (7 U.S.C.*
 12 *1471); or*

13 (B) *an animal- or insect-based product.*

14 ***SEC. 7. RELATIONSHIP TO OTHER PROGRAMS.***

15 *Assistance authorized under this Act is intended to*
 16 *supplement, and not replace, assistance available to weed*
 17 *management entities, areas, and districts for control or*
 18 *eradication of harmful, invasive weeds on public lands and*
 19 *private lands, including funding available under the “Pull-*
 20 *ing Together Initiative” of the National Fish and Wildlife*
 21 *Foundation, and the provision of funds to any entity under*
 22 *this Act shall have no effect on the amount of any payment*
 23 *received by a county from the Federal Government under*
 24 *chapter 69 of title 31, United States Code (commonly*
 25 *known as the Payments in Lieu of Taxes Act).*

1 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

2 *To carry out this Act there is authorized to be appro-*
3 *priated to the Secretary \$100,000,000 for each of fiscal*
4 *years 2003 through 2007, of which not more than 5 percent*
5 *of the funds made available for a fiscal year may be used*
6 *by the Secretary for administrative costs of Federal agen-*
7 *cies.*

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